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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kiyoshi UCHIKAWA

Group Art Unit: 2882

Application No.: 10/588,730

Examiner: D. PERSAUD

Filed: October 18, 2007

Docket No.: 129041

For: EXPOSURE METHOD AND APPARATUS, AND DEVICE PRODUCTION METHOD

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the April 14, 2010 Election of Species Requirement, Applicant provisionally elects Species II, claims 3-7 and 14-18, drawn to an exposure method using a polarization state control mechanism. The election is made with traverse.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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MAC:KRD/nlp

Date: May 7, 2010

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